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8	BEFORE THE	
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10	STATE OF	1
11	In the Matter of the Accusation Against:	Case No. 2012-17
12	JANIE LOUISE GRAHAM, a.k.a. JANIE	·
13	LOUISE WOOD GRAHAM 465 Transom Lane	ACCUSATION
14	Foster City, CA 94404 Registered Nurse License No. 547233	`
15	Respondent.	
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17	Complainant alleges:	
18	PARTIES	
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her	
20	official capacity as the Executive Officer of the Board of Registered Nursing, Department of	
21	Consumer Affairs.	
22.	2. On or about August 25, 1998, the Board of Registered Nursing issued Registered	
23	Nurse License Number 547233 to Janie Louise Graham, also known as Janie Louise Wood	
24	Graham (Respondent). The Registered Nurse License expired on February 10, 2006, and has not	
25	been renewed.	
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# **JURISDICTION**

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
- 6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

### STATUTORY PROVISIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

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#### COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Out of State Discipline) (Bus. & Prof. Code § 2761, subd. (a)(4))

9. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about February 10, 2006, in a disciplinary action before the Board of Nursing for the State of Arkansas ("Arkansas Board"), the Arkansas Board entered an Order placing Respondent's Arkansas registered nursing license on probation for two years subject to various terms and conditions. Order required Respondent to: (1) notify each present and future employer in professional nursing of the Order and present a copy of the Order to each employer; (2) if employed as a registered nurse, operate under an employer-impaired nurse contract and submit a copy of the contract and quarterly "Performance Evaluation Reports" from her employer to the Arkansas Board; (3) work under the direct supervision of another nurse; (4) notify the Arkansas Board, in writing, of any change in name, address or employer; (5) work exclusively within the State of Arkansas, unless written consent is obtained by the Arkansas Board and the Board of Nursing in the state where Respondent wishes to work; (6) provide evidence of evaluation for treatment of addictive behavior; (7) Respondent's evaluator must specifically advise the Arkansas Board that Respondent is presently able to engage in the safe practice of nursing; (8) attend AA, NA, or the treatment program of choice, submit quarterly reports to the Arkansas Board, and provide evidence of attendance; (9) obtain or continue counseling with a psychiatrist or psychologist and submit a progress report from that professional every three months until discharged; (10) submit to random urine drug screens; (11) abstain at all times from the use of controlled or abuse potential substances, including alcohol, except as prescribed by a licensed practitioner who must submit a written report to the

Arkansas Board identifying the medication, dosage and the date it was prescribed; (12) submit a quarterly personal report to the Arkansas Board; and (13) obey all federal, state, and local laws, and all rules governing the practice of nursing.

10. The underlying conduct supporting the Arkansas Board's disciplinary action is that on or about November 16, 2004, employees of Saint Mary's Hospital in Rogers, Arkansas, reported that Respondent was behaving erratically and that she smelled of alcohol. Respondent's subsequent for-cause drug screen tested positive for alcohol. Respondent's employment with Saint Mary's Hospital was terminated.

# <u>PRAYER</u>

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 547233, issued to Janie Louise Graham, also known as Janie Louise Wood Graham;
- 2. Ordering Janie Louise Graham, also known as Janie Louise Wood Graham to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
  - 3. Taking such other and further action as deemed necessary and proper.

DATED: July 12, 2011

LOUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California

Complainant

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